

United States District Court
Eastern District of Michigan

United States of America,
v.
Edward A. Harvey Jr.,

ORDER OF DETENTION PENDING TRIAL

Case Number: 05-80580

Defendant

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I – Findings of Fact

(1) I find that:

- T** there is probable cause to believe that the defendant has committed an offense
- T** for which a maximum term of imprisonment of ten years or more is prescribed in 18 U.S.C. 2252(a), 2253(a).;
- “** under 18 U.S.C. § 924(c).

(2) I further find that the defendant has not rebutted the presumption established by finding that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings

T I find that the government has established by a preponderance of the evidence that there is a serious risk that the defendant will not appear.

“ I find that the government has established by clear and convincing evidence that there is a serious risk that the defendant will endanger the safety of another person or the community.

Part II – Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing established the following factors under 18 U.S.C. § 3142(g):

- T** (a) nature of the offense - offense against minor children.
- T** (b) weight of the evidence - evidence is very strong and includes admissions by defendant.
- T** (c) history and characteristics of the defendant -
 - T** 1) physical and mental condition - per conduct described by government's counsel at sidebar.
 - “** 2) employment, financial, family ties
 - “** 3) criminal history and record of appearance
- “** (d) probation, parole or bond at time of the alleged offense
- T** (e) danger to another person or community. - suggestion of predatory sexual conduct per government proffer.

This defendant initially agreed to assist the government investigation, but he reneged on that commitment. He faces mandatory minimum sentences of five years on Counts I & II. The evidence is very strong, and the likelihood of conviction is great. Defendant has community ties, but minimal assets and subsistence employment in this district. His ties to California are negligible. There is evidence that he attempted to destroy evidence in the case after he was warned against use of his computer.

Part III – Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

June 28, 2005
Date

s/Donald A. Scheer
Signature of Judge
Donald A. Scheer, United States Magistrate Judge
Name and Title of Judge